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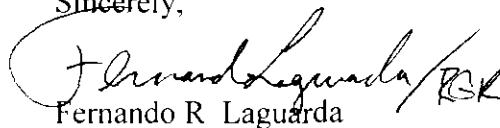
Federal Communications Commission
Office of the SecretaryMs. Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street, S.W.
Washington, D.C. 20554Re: Notice of Ex Parte Presentation
CS Docket No. 00-30

Dear Ms. Dortch:

On June 26, 2003, Steven Teplitz of AOL Time Warner Inc. and the undersigned met with Johanna Mikes of Commissioner Jonathan Adelstein's office and Nicole Serratore, Legal Intern, to discuss the above-referenced proceeding. We set forth the arguments reflected in our petition and reply in this proceeding. In particular, we explained why there is clear and convincing evidence that AOL is not "dominant" in instant messaging ("IM"), why IM is not likely to "tip" to AOL, and as a result, why the Condition is no longer necessary. Moreover, we noted that granting the requested relief would bring public interest benefits to consumers by expanding the number of competitors offering advanced IM features. Additional competition will lead to a virtuous cycle of investment and innovation as IM providers seek to differentiate their offerings. In short, enabling all IM providers to compete will increase consumer choice and maximize consumer welfare.

Pursuant to section 1.1206(b) of the Commission's rules, an original and one copy of this letter is being filed with the Office of the Secretary. Copies are also being served on the Commission participants in the meeting. Any questions concerning this submission should be addressed to the undersigned.

Sincerely,



Fernando R. Laguarda

cc: Johanna Mikes, Mass Media Legal Advisor
Nicole Serratore, Legal Intern

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